

REMARKS

Claims 1-43 are pending in this application. The Examiner has required restriction to one of fifteen groups. In response to such restriction Applicants wish to proceed as follows.

Applicants provisionally elect, with traverse, Group XII drawn to compounds of Formula (I) where X is CR¹ or CR², Y is CR¹ or CR², and Ar is furan for proceeding with prosecution on the merits.

Applicants respectfully disagree with the subject restriction requirement and traverse as follows. The Examiner has not established that an unduly burdensome search and examination would be required in the present application. That is, it is believed that the Examiner has not established (1) separate classification, (2) separate status in the art, or (3) a different field of search for the subject matter of the various asserted inventions as required by M.P.E.P. 808.02. In fact, Applicants believe the Office Action places an undue burden on the Applicants in that 15 applications must be filed to obtain the full scope of the invention. Applicants further believe Formula I describe a group of compounds, which may be searched and examined without undue burden on the U.S. Patent Office. It is respectfully asserted that the Office Action has not provided a basis for asserting otherwise. At the very least Applicants assert that any searching burden could be reduced by restricting the invention to 4 to 5 groups. For instance, Applicants believe a fairer restriction could structured as follows:

Group I : X is CR¹ or CR², Y is CR¹ or CR², and Ar is aryl.

Group II : X is CR¹ or CR², Y is CR¹ or CR², and Ar is heteroaryl.

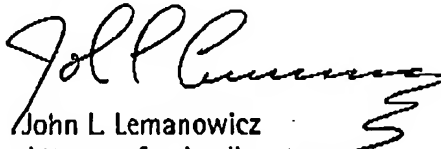
Group III : X is CR¹, Y is N, or X is N, Y is CR¹, and Ar is aryl.

Group IV : X is CR¹, Y is N or X is N, Y is CR¹, and Ar is heteroaryl.

Such a restriction would lower the burden on Applicants as well as reduced the Examiners search burden. Accordingly, Applicants respectfully request reconsideration and/or modification of the restriction requirement.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,


John L. Lemanowicz
Attorney for Applicants
Registration No. 37,380

Date: 31 July, 2003
Glaxo Smith Kline
Five Moore Drive, PO Box 13398
Research Triangle Park, North Carolina 27709
Telephone: (919) 483-8247
Facsimile: (919) 483-7988